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09/728,613	11/30/2000	Moshe Tamir	2315/0H316	5193

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EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
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2173

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,613

Applicant(s)

TAMIR ET AL.

Examiner

Tadesse Hailu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8, 11, 12, 14, 21, 22, 24-27, 30-33, 47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14, 47 and 48 is/are allowed.
- 6) ☒ Claim(s) 8, 11, 12, 21, 22, 24-27 and 30 is/are rejected.
- 7) ☒ Claim(s) 31-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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***DETAILED ACTION***

1. This Office Action is in response to AMENDMENT entered May 18, 2004 for the patent application (09/728,613).
2. Based on the newly found references prosecution of the case is now reopened.
3. The pending claims 8, 11, 12, 14, 21, 22, 24-27, 30-33, and 47-48 are examined herein as follows.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 8 is rejected under 35 U.S.C. 102(a) as being anticipated by Montero US Pat No 6,133,912.

With regard to claim 8:

As per "A method for dynamically providing information to a user via a visual display associated with a user computer," Montero discloses a method for delivering information to the subscribers on a communication network, more particularly to a technique for dynamically delivering information to each active subscriber on the network without interfering with the reception and display of their selected data or program from the network (column 1, lines 5-10).

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a) As per "assigning the user a user identification code;" Montero further discloses that each subscriber is assigned a unique subscriber ID and a password, which are stored in the name/password database 220 or like accessible by the ISP server 110. Alternatively, each subscriber terminal 130 may be assigned a unique subscriber ID and a password (column 6, lines 26-35).

b) As per "assigning an application code to at least a first website and a second website to be viewed by said user;" Montero further discloses that assigning an unique INFO ID (or application code) to each information from a plurality of INFO sources (column 29, lines 53-56), for example, such sources may include one or more web sites as illustrated in Fig. 2 and a described in column 9, lines 22-49, column 10, lines 48-67.

c) As per "recording the user's activity associated with said first and second websites by monitoring said user identification code and said application code;" Montero further discloses that a data display record of the subscriber may be used along with the subscriber's profile data to select the sequence of information for the subscriber. That is, the web site visited by the subscriber in his/her current session may be used to generate the sequence of information for the next session (column 9, lines 32-49, column 13, lines 52-67, column 14, lines 55-60). In addition, Montero keeps track (or monitors) each one of the linked regions 201 selected (or clicked) by each subscriber during the display of that information to provide a linked region ID. This information may be used to determine the subscriber's interest in a particular product, company, and

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channel or like, providing a more accurate information on the viewing habits of the subscriber (column 13, lines 16-29).

d) As per "determining the user's viewing preference associated with said first web site based on the user's activity associated with said first web site;" Montero further discloses that the INFO display record of the subscriber may be used along with the subscriber's profile data to select the sequence of information for the subscriber. In addition, Montero keeps track of all of the linked regions 201 (e.g. one of the URL regions 201, Fig. 2) selected (or clicked) by each subscriber during the display of that information to provide a linked region ID. This information may be used to determine the subscriber's interest in a particular product, company, and channel or like, providing a more accurate information on the viewing habits of the subscriber (column 12, lines 66- column 13, lines 16-29, column 14, lines 38-54).

e) As per "determining the user's viewing preference associated with said second website based on the user's activity associated with said second web site;" Montero again discloses that the INFO display record of the subscriber may be used along with the subscriber's profile data to select the sequence of information for the subscriber. In addition, the present invention keeps track of all of the linked regions 201 (e.g. another URL in regions 201, Fig. 2) selected (or clicked) by each subscriber during the display of that information to provide a linked region ID. This information may be used to determine the subscriber's interest in a particular product, company, and channel or like, providing a more

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accurate information on the viewing habits of the subscriber (column 12, lines 66- column 13, lines 16-29, column 14, lines 38-54).

f) As per "dynamically adjusting the user's display in accordance with the user's preference associated with the web site being viewed by the user."

Montero further discloses modifying and updating the subscriber's profile data and a logo button 299 to connect a pre-assigned web page. Montero also describes that a plurality of buttons providing different functions and features may be incorporated into the navigation window 290 (column 8, lines 49-61). Furthermore, Montero discloses a customized information file is dynamically generated for each active subscriber on the network in accordance with the corresponding subscriber profile data stored in a database (column 17, lines 39-43).

g) As per "generating a user information record associated with each user, the user information record including the user identification code, an IP address field indicating the last internet address from which the user communicated, a country code field indicating the country from which the user last communicated, and the last login field indicating the last time that the user communicated;" Montero discloses generating an INFO display record for each INFO ID in said list of displayed information for said each *subscriber*, said INFO display *record* containing an INFO ID and said *subscriber* ID of said each *subscriber*, and said display date, said display time and said INFO duration associated with said INFO ID (see claim 38 of the invention).

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h) As per "customizing information presented to a user in accordance with the country code field associated with the user." Montero, for example, discloses customized login information that may contain a location ID, information relating to the locality of that subscriber terminal 130. Montero further discloses that the location ID may represent a zip code, a telephone number, a country name or code, a state or province name, or like (column 9, lines 13-31; column 19, lines 56-64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11, 12, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montero US Pat No 6,133,912 in view of Myerson US Pat No 5,892,917.

With regard to claim 11:

In addition to what is recited/claimed in claim 8 (limitations (a) through (f)), claim 11 further recites the followings:

"Generating a user session record associated with a communication session with the user, the user session record including the user identification code or a similar unique identifier associated with the user, the application code associated with a web site, an IP address field indicating the last internet address

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from which the user communicated, session timing information, and a unique session identification code wherein said session timing information includes a session start time and a session end time;"

Likewise, **Montero** describes generating a session usage record for said each subscriber containing said subscriber ID, said login time, said login date, said logout date, said logout time and said *session* duration (column 29, lines 42-45). Furthermore, the session usage record also may include INFO ID or session ID, URL or IP address field (Fig. 2) associated with the web site (column 11, lines 11-44, column 12, lines 40-55).

Montero also discloses that the session usage database records all session duration. Montero further discloses that information may be provided to a subscriber only during a certain time range, for example for eastern standard time zone information will be provided to the subscriber between 6 to 8PM (user session duration) (column 7, lines 58-column 8, lines 5).

However, Montero does not specifically mentioned that these time zones as peak times. To put it in claim language, Montero does not disclose expressly "generating user-specific statistics including peak time of use"

Myerson, on the other hand discloses a system and method for analyzing a web site log file and generating an expanded log file that compensates for information caching and gateway based web site access (Myerson, Abstract). Myerson further discloses the above claimed subject matter, that is "generating user-specific statistics including peak time of use" (column 2, lines 6-21, column 7, lines 21-29, column 9, lines 8-29).



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Myerson and Montero are analogous art because they are form the same field of endeavor, that is managing information usage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user/client peak time of use of Myerson with *the session usage record of Montero*.

The suggestion/motivation for doing so would have been to generate a more statistically accurate log of usage of information at a particular site (Myerson, column 1, lines 8-17, column 2, lines 38-46).

Therefore, it would have been obvious to combine Myerson with Montero to obtain the invention as specified in claim 11.

With regard to claim 12:

In addition to what is recited/claimed in claim 8 (limitations (a) through (f)), claim 12 further recites the followings:

As per "generating a user record associated with a communication session with the user, the user session record including the user identification code or a similar unique identifier associated with the user, the application code associated with a web site, an IP address field indicating the last internet address from which the user communicated, session timing information, and a unique session identification code wherein said session timing information includes a session start time and a session end time;"

Likewise, ***Montero*** describes generating a session usage record for said each subscriber containing said subscriber ID, said login time, said login date, said logout date, said logout time and said *session* duration (column 29, lines 42-

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45). Furthermore, the session usage record also may include INFO ID or session ID, URL or IP address field (Fig. 2) associated with the web site (column 11, lines 11-44, column 12, lines 40-55).

While Montero discloses ***generating a session usage record*** for said each subscriber containing said subscriber ID, said login time, said login date, said logout date, said logout time and said *session* duration (column 29, lines 42-45). But Montero does not disclose expressly "generating average user session duration, average client session duration, user session peak time of use and client session peak time of use for a plurality of users."

Myerson, on the other hand discloses a system and method for analyzing a web site log file and generating an expanded log file that compensates for information caching and gateway based web site access. Myerson further discloses the above claimed subject matter, that is generating average user/client session duration, and user/client peak time of use (column 2, lines 6-21, column 7, lines 21-29, column 9, lines 8-29).

Myerson and Montero are analogous art because they are form the same field of endeavor, that is managing information usage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the user/client session duration, and user/client peak time of use of Myerson with *the session usage record of Montero*.

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The suggestion/motivation for doing so would have been to generate a more statistically accurate log of usage of information at a particular site (Myerson, column 1, lines 8-17, column 2, lines 38-46).

Therefore, it would have been obvious to combine Myerson with Montero to obtain the invention as specified in claim 12.

With regard to claim 21:

In addition to what is recited/claimed in claim 8 (limitations (a) through (f)), claim 21 further recites the followings:

As per "generating a user URL information record which indicates user URL tracking information used to generate user behavior information, the user URL information record including the user identification code or a similar unique identifier associated with the user, a session identifier which identifies the session of the user for a particular URL, a domain field and page field associated with the particular URL, a page type field which identifies the type of URL, and a duration field which indicates an amount of time the user spent at a particular URL;" Montero further discloses that for each displayed information, Montero keeps track of all of the linked regions 201 (represented by URL address, see column 5, lines 64-66) selected (or clicked) by each subscriber during the display of that information to provide a linked region ID. This information may be used to determine the subscriber's interest in a particular product, company, channel or like, providing a more accurate information on the viewing habits of the subscriber (column 24, lines 33-46).

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As described above, while Montero further discloses "utilizing user URL information records to generate user behavior statistics," but Montero does not disclose expressly "at least one of total and average number of times the user visited a particular URL, the total and average time the user spent at a particular URL, the peak time when the user visited a particular URL, and the types of pages viewed by the user."

Myerson, on the other hand discloses a system and method for analyzing a web site log file and generating an expanded log file that compensates for information caching and gateway based web site access (Myerson, Abstract). Myerson further discloses the above claimed subject matter, that is "utilizing user URL information records to generate user behavior statistics, including at least one of total and average number of times the user visited a particular URL, the total and average time the user spent at a particular URL, the peak time when the user visited a particular URL, and the types of pages viewed by the user." (column 2, lines 6-21, column 7, lines 21-29, column 9, lines 8-29).

Myerson and Montero are analogous art because they are form the same field of endeavor, that is managing information usage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine "the user behavior statistics as specified in Myerson with information tracking means of Montero as specified above.

The suggestion/motivation for doing so would have been to generate a more statistically accurate log of usage of information at a particular site (Myerson, column 1, lines 8-17, column 2, lines 38-46).

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Therefore, it would have been obvious to combine Myerson with Montero to obtain the invention as specified in claim 21.

With regard to claim 22:

As per "the step of utilizing user URL information records to generate URL statistics, including at least one of total and average number of times that users visited a particular URL, the total and average time users spent at a particular URL, and the peak time users visited a particular URL." (Myerson, column 2, lines 6-21, column 7, lines 21-29, column 9, lines 8-29).

7. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montero US Pat No 6,133,912 in view of Barrett et al (US Pat No 5,727,129).

With regard to claim 24:

Most of the claimed subject matter is similar with claim 8 (limitations (a) through (f)).

While Montero discloses generating information list database 125 or information record including among others, the subscriber and INFO identifiers. But Montero does not mention that the information record is associated with client application that the user has downloaded. Montero also fails to describe, "the application code for each particular application downloaded by the user, an application version field identifying the current version of each particular application, a download date field indicating the data the user downloaded the particular application."

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On the other hand, Barrett discloses a system and method for profiling and actively facilitating user activities. Barrett further discloses the claimed subject matter, that is downloaded information record including the application code for each particular application downloaded by the user, an application version field identifying the current version of each particular application (column 1, lines 48-49), a download date field indicating the data the user downloaded the particular application (Barrett, Abstract, also see Barrett's claim 3).

Barrett and Montero are analogous art because they are form the same field of endeavor, that is managing information usage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the downloaded application record of Barrett with information list database 125 or INFO record of Montero because it may be important to keep track of what advertisements were transmitted (or downloaded) and displayed to the subscribers. This information may be used to directly determine the number of people who viewed a particular advertisement (Montero, column 12, lines 26-39). Thereby, enabling the advertisers to better select their target audience (subscribers) for their promotions, advertisements and like (Montero, column 14, lines 1-5).

Therefore, it would have been obvious to combine Barrett with Montero to obtain the invention as specified in claim 24.

With regard to claim 25:

As per "the user application information further includes a last login field indicating the last time the user used the particular application, and a last

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message identification field indicating the last message displayed to the user in connection with the particular application." (Montero, column 6, lines 48-column 7, lines 22).

With regard to claim 26:

Montero in view of Barrett discloses information database list or record (Montero, Fig. 1). Montero in view of Barrett also discloses updating or assigning information display duration, e.g., first information may be displayed for 30 second, second information for 15 second, etc (Montero, column 20, lines 55-61).

With regard to claim 27:

As per "the step of displaying a next message to the user in accordance with the at least one of the last login field and the last message identification field." (Montero, column 6, lines 48-column 7, lines 22).

8. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Montero (US Pat No 6,133,912) in view of Wong et al (US Pat No.6, 353,834).

With regard to claim 30:

Montero, as given reason of rejection in claim 8, similarly discloses most of the claimed subject matter of claim 30. While Montero also discloses a session log server 270 (Fig. 1). But Montero does not disclose expressively "generating a message queue record ..."

Wong discloses Log based data architecture for a transactional message queuing system. Wong further discloses a plurality of message queuing servers 30, 32 and 34, wherein each server is coupled to output database servers 22, 18

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and 20. The message queue system includes a plurality of fields as specified in current claim (see Figs. 7, 8 and 10).

Wong and Montero are analogous art because they are form the same field of endeavor, that is managing information (message) usage.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the message queuing mechanism as described in Wong with session log server 270 of Montero because as described in Wong the queuing management provides extensibility and flexibility to message queuing systems administration (column 5, lines 8-9).

Therefore, it would have been obvious to combine Wong with Montero to obtain the invention as specified in claim 30.

***Allowable Subject Matter***

9. Claims 14, and 47-48 are allowed.

The following is an examiner's statement of reasons for allowance:  
Montero discloses most of the claimed subject mater specified in claim 14, Furthermore, while Montero discloses displaying a sequence of information on the information window 372 for an assigned information duration (interval), e.g., first information may be displayed for 30 seconds, second information for 15 seconds, etc, but Montero fails to disclose "transmitting messages to be displayed the user, and wherein the session identifier further includes an application messages interval field indicating a period of time between messages sent from a message queue to the application, a welcome wait interval which



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indicates an amount of time to wait before requesting a next display message from the message queue, and a query time interval which indicates a period of time between application queries for additional information.”

Montero discloses most of the claimed subject matter of claim 47 including a customized information file that is dynamically generated for each active subscribers on the network in accordance with the corresponding subscriber profile data stored in a database, but Montero fails to describe further the “the steps of performing at least one data count based on the user’s prior usage history, and weighting the at least one data count to adjust the relevance of the at least one data count to produce a running total score for at least one web site viewed by the user;” (claim 47). Claim 48 also recite the further limitation of claim 47.

Thus, the prior art neither renders obvious nor anticipates the combination of claimed elements because the prior art fails to teach each element recited in applicant’s claims.

10. Claims 31-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of records further fails to disclose “the message queue record further includes a mode indication indicating whether the message will be displayed as a popup window or whether the application associated with the message will be pulsed when the message is transmitted to the user.” (Claim

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31). The prior art of records further fails to disclose, "requesting a message to be displayed to the user in accordance with a welcome wait interval which indicates an amount of time to wait before requesting a next display message from the message queue;"(claims 32). The prior art of records further fails to disclose the limitation of claim 33 which depend on claim 33.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (703) 306-2799. The Examiner can normally be reached on M-F from 10:00 – 6:30 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (703) 308-3116 Art Unit 2173 CPK 2-4A51.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*Tadesse Hailu*

July 19, 2004

